

HOUSE BILL NO. 146

INTRODUCED BY K. FLYNN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DISTRIBUTION OF HUNTING LICENSE REVENUE FOR HUNTING ACCESS PROGRAMS; AMENDING SECTIONS 87-1-270, 87-1-290, 87-2-505, 87-2-510, AND 87-2-514, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-270, MCA, is amended to read:

**"87-1-270. (Temporary) Allocation of license fees to hunting access enhancement program.** (1)

Except as provided in 87-2-514 and 87-2-805(1)(b)(ii), the amount of \$55 from the sale of each Class B-1 nonresident upland game bird license and \$25 from the sale of each Class B-2 3-day nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267. (Terminates June 30, 2019--sec. 6, Ch. 204, L. 2013.)

**87-1-270. (Effective July 1, 2019) Allocation of license fees to hunting access enhancement program.** (1) Except as provided in 87-2-514 and 87-2-805(1)(b)(ii), the amount of \$55 from the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267.

(2) The resident hunting access enhancement fee in 87-2-202(3)(c) and the nonresident hunting access enhancement fee in 87-2-202(3)(d) must be used by the department to encourage public access to private and public lands for hunting purposes in accordance with 87-1-265 through 87-1-267."

**Section 2.** Section 87-1-290, MCA, is amended to read:

**"87-1-290. Hunting access account.** (1) There is a hunting access account in the state special revenue

fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program



1 established by law or by the department through administrative rule.

2 (2) The following funds must be deposited in the account:

3 (a) ~~25%~~ 33% of the fee for Class B-10 nonresident big game combination licenses pursuant to  
4 87-2-505(1)(c) and ~~25%~~ 33% of the fee for Class B-11 nonresident deer combination licenses pursuant to  
5 87-2-510(1)(b);

6 (b) ~~25%~~ 33% of the fee for hunting licenses issued to nonresident relatives of a resident pursuant to  
7 87-2-514; and

8 (c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

9 (3) Any interest or income earned on the account must be deposited in the account."  
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11 **Section 3.** Section 87-2-505, MCA, is amended to read:

12 **"87-2-505. Class B-10--nonresident big game combination license.** (1) (a) Except as otherwise  
13 provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or  
14 older or who will turn 12 years old before or during the season for which the license is issued may, upon payment  
15 of the fee of \$897 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) and subject to the  
16 limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena,  
17 Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years  
18 of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license  
19 includes the nonresident conservation license as prescribed in 87-2-202.

20 (b) Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

21 (c) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant  
22 to subsection (1)(a), ~~25%~~ 33% must be deposited in the account established in 87-1-290.

23 (d) The cost of the Class B-10 nonresident big game combination license must be adjusted annually  
24 based on any change to the consumer price index from the previous year. The consumer price index to be used  
25 for calculations is the consumer price index for all urban consumers (CPI-U).

26 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big  
27 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk  
28 permits established by the commission."  
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30 **Section 4.** Section 87-2-510, MCA, is amended to read:

1           **"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided  
2 in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who  
3 will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of  
4 \$527 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) and subject to the limitations  
5 prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to  
6 purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older  
7 to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident  
8 wildlife conservation license as prescribed in 87-2-202.

9           (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to  
10 subsection (1)(a), ~~25%~~ 33% must be deposited in the account established in 87-1-290.

11           (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based  
12 on any change to the consumer price index from the previous year. The consumer price index to be used for  
13 calculations is the consumer price index for all urban consumers (CPI-U).

14           (2) Not more than 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.

15           (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer  
16 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits  
17 established by the commission."  
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19           **Section 5.** Section 87-2-514, MCA, is amended to read:

20           **"87-2-514. Nonresident relative of resident allowed to purchase nonresident licenses at reduced**  
21 **cost -- definitions.** (1) For the purposes of this section, the following definitions apply:

22           (a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive  
23 child, sibling, or parent of a resident but is not a resident.

24           (b) "Resident" means a resident as defined in 87-2-102.

25           (2) Except as otherwise provided in this chapter, a nonresident relative of a resident who meets the  
26 qualifications of subsection (5) may purchase:

27           (a) a Class B nonresident fishing license;

28           (b) a Class B-1 nonresident upland game bird license;

29           (c) a Class B-7 nonresident deer A tag; and

30           (d) a Class B-15 nonresident elk license as provided in 87-2-515.

1           (3) This section does not allow a nonresident relative of a resident to purchase nonresident combination  
2 licenses at a reduced price.

3           (4) The fee for a nonresident license purchased pursuant to subsection (2) is four times the amount  
4 charged for an equivalent resident license. The nonresident relative of a resident shall also purchase a  
5 nonresident wildlife conservation license as prescribed in 87-2-202 and pay the nonresident hunting access  
6 enhancement fee in 87-2-202(3)(d) if the nonresident relative of a resident purchases a hunting license.

7           (5) To qualify for a license pursuant to subsection (2), a nonresident relative of a resident shall apply at  
8 any department regional office or at the department's state office in Helena and present proof of the following:

9           (a) a birth certificate verifying the applicant's birth in Montana or documentation that the applicant was  
10 born to parents who were residents at the time of birth;

11           (b) evidence that the person previously held a Montana resident hunting or fishing license or has passed  
12 a hunter safety course in Montana pursuant to 87-2-105; and

13           (c) proof that the applicant is a nonresident relative of a resident.

14           (6) Of the fee paid for any hunting license purchased pursuant to subsection (2), 33% must be deposited  
15 in the account established in 87-1-290."

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17           NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2015.

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